

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**COMMONWEALTH LAND TITLE
INSURANCE COMPANY**

v.

ENCORE CREDIT CORP.

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PLAINTIFF/COUNTER-DEFENDANT

CIVIL ACTION NO. 1:08CV37-LG-RHW

DEFENDANT/COUNTER-PLAINTIFF

JUDGMENT

This matter having come on to be heard on the Motion for Summary Judgment [41] filed by the plaintiff/counter-defendant, Commonwealth Land Title Insurance Company, the Court, after a full review and consideration of Commonwealth's Motion, the pleadings on file and the relevant legal authority, finds that in accord with the Memorandum Opinion and Order entered herewith,

IT IS ORDERED AND ADJUDGED that because there is no genuine issue as to any material fact, judgment is rendered in favor of Commonwealth Land Title Insurance Company, pursuant to FED. R. CIV. P. 56. A declaratory judgment is hereby entered in favor of Commonwealth Land Title Insurance Company that it owes no indemnity to Encore Credit Corp under the closing protection letter. Encore Credit Corp.'s counterclaim against Commonwealth is hereby dismissed with prejudice.

SO ORDERED AND ADJUDGED this the 16th day of April, 2009.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE